

## EXHIBIT 2

**Subject:** Re: Jawbreakers

**From:** Brian Denham (briandenham@ REDACTED)

**To:** apcog1@REDACTED

**Cc:** jdunn@ REDACTED ; mzajza@ REDACTED

**Date:** Wednesday, May 9, 2018 9:48 PM

The retailers have a group on Facebook.

Some of the retailers have heard Jawbreaker would be not only a fundraised Indiegogo, but it would be offered in stores.

So this happened...

### Photo



Another retailer posted on Twitter yesterday that if he finds out the publisher of Jawbreakers he will have to consider a boycott.

Richard reached out to one of the retailers to inform him of what's going on. He promised to not rat them out. So that retailer informed Richard. Richard posted on Youtube that retailers are colluding with each other to boycott

1/10/2019

Print

the unannounced publisher. So the retailers have been trying to figure out it's us.

It's all happening earlier today and some of it is going on right now.

On Wed, May 9, 2018 at 9:42 PM, Antarctic Press <apcogl@<sup>REDACTED</sup>> wrote:

Well, I guess that's good to know. How did these complaints that led to a boycott even get started? Was it anything of substance, or something blown out of proportion, or nothing at all?

Doug

On Wed, May 9, 2018 at 9:38 PM, Brian Denham <briandenham@<sup>REDACTED</sup>> wrote:

There will be a lot more. Ignore them.

A few of retailers got together in a secret Facebook group to boycott whatever publisher picked up Jawbreakers.

Richard (Diversity and comics) will announce tonight on Youtube who the publisher will be. Some have speculated it's us. That's why you may have gotten this letter early.

There will be a lot more this week, but they probably don't order from us anyway.

There are a lot more fans supporting us. Don't worry about these retailers. The customers will order from retailers who support them.

These boycott retailers are saying they won't support any of our books if we carry Jawbreakers.

But the fans are hearing this and they will boycott the stores and order it directly from us, or from other retailers who support their choices.

We've already one up by a lot of fans on Twitter. Fans are going to start buying stuff off the site so you may see a small uptick in online sales.

On Wed, May 9, 2018 at 8:18 PM, Antarctic Press <apcogl@<sup>REDACTED</sup>> wrote:

Well, this is interesting. Any thoughts on a response?

Doug

----- Forwarded message -----

From: **Megan Kilar** <<sup>REDACTED</sup>>

Date: Wed, May 9, 2018 at 8:05 PM

Subject: Jawbreakers

To: apcogl@<sup>REDACTED</sup>

Based on the harassment online by Diversity and Comics, I have decided to boycott your company if you choose to publish Jawbreakers.

I am responsible for the Diamond order at my retail location and we will no longer be ordering from a company that supports online harassment and threats.

Regards,

Megan M Kilar

---

## Attachments

- image.png (705.78KB)

## EXHIBIT 3



**Diversity & Comics**

@DiversityAndCmx

Follow



I did the research on about four or five of them but yeah if someone could go through those screenshots from that retailer Facebook group and make a list of the people the stores they work out and the cities that would be great

**Yawg** @Yawgmothx

Replying to @DiversityAndCmx

Can someone put their organization or business names next to who they are? As they say, sunlight is the best disinfectant. I think we need to start dragging these cabals into the light.

7:04 AM - 10 May 2018



## EXHIBIT 4

Search Twitter

Log in

Sign up

Official Comicsgate Boycott @coo... · 2h ✓

Here are the shops from the collusion screenshots:

1



2



Official Comicsgate Boycott @coo... · 2h ✓

REDACTED

star employee

REDACTED

1



2



Official Comicsgate Boycott @coo... · 2h ✓

REDACTED

REDACTED

star employee

REDACTED

REDACTED

1



2



Official Comicsgate Boycott @coo... · 2h ✓

REDACTED

REDACTED  
REDACTED

star employee

REDACTED

1



1



Official Comicsgate Boycott @coo... · 2h ✓

REDACTED

star employee

REDACTED

1



1



Official Comicsgate Boycott @coo... · 2h ✓

REDACTED

star employee

REDACTED

1



2



Official Comicsgate Boycott @coo... · 2h ✓

REDACTED

star employee

REDACTED

1



2



Official Comicsgate Boycott @coo... · 2h ✓

REDACTED

star employee

REDACTED

1



1



Official Comicsgate Boycott @coo... · 2h ✓

REDACTED

REDACTED  
REDACTED

second star employee

REDACTED

1



1



Official Comicsgate Boycott @coo... · 1h ✓

REDACTED





## EXHIBIT 5



**Diversity & Comics**

@DiversityAndCmx

Follow



"To me, my Incel army!"

**Million Dollar Prons** @PronsGM

Replying to @DiversityAndCmx

"Don't carry Jawbreakers? Say hi to the LEG BREAKERS"

6:41 AM - 11 May 2018



## EXHIBIT 6

**Subject:** Re: It Appear AP is moving

**From:** Joeming Dunn (jdunn@ REDACTED

**To:** Mzajza@ REDACTED

**Date:** Friday, May 11, 2018 4:38 PM

As you are all well aware we are in the Kobayashi Maru of comic books, a no win situation. As you are all aware we have agreed to publish Jawbreakers which is authored by a very controversial figure. This has created a passionate response on both sides of this unfortunate equation in the comic book community. This essentially put us in a **"NO WIN" situation**. We could not release this book even though we are contractually obligated to do so and succumb to social media pressure (which feels a bit like we are being bullied to not release the book) or we could publish the book and continue to get the wrath we have undergone these past days from a multitude of sources. So we are stuck in between a rock and a hard place.

As you all know we have taken a "silence" line in regards to this situation. There are two reasons for my decision to do this. One is that as with any viral controversies on the internet, they tend to be put to the side after a couple of days, especially over the weekend. Second that gives us time to meet on Monday to make a decision on this situation. My most important concern is to protect everyone at Antarctic Press and I hope to make a decision about our direction on Monday. But in the meantime I am going to rant...not at each of you personally but to everyone who has put us in this situation. On Monday we are going to vote on this situation and in lieu of that impending vote I want everyone to be aware of the rant I will most likely give. No matter the decision I will take the heat for the decision so there will be nobody getting thrown under a bus and nobody will point fingers. I can take the heat and I will take the brunt of the criticism.

Now originally I was going to list the pros and cons of our decision but I realized that this is not just a pros and cons thing. This has become a personal issue in many regards with no black and white answers. But we can go over the basic facts. In its purest form this is a decision on whether we as a company can separate the "ART" from the "ARTIST." Do we hold accountable the fact that this person has said many mean spirited and controversial statements which goes beyond then normal "opinions". It is where we are going to draw the line. Do we draw the line at Rod saying many insulting condescending thing about conservatives and their policies? Or is it Ben saying some things about liberals? Are those "tolerable" lines and opinions we can accept since we know them both. We have never "vette" a creator but we all know bias goes with any decision we make. If we meet a creator we don't like I am sure in the back of your mind you would say that I would never give that creator a chance to publish their work even though we are supposed to be unbiased. If anyone had a personal grudge with someone, I would certainly take that into account if especially if we decided to consider their work. That is vastly unfair but I know that life is unfair. Are we drawing a line at this creator for his severely offensive rhetoric? He did not commit a crime but he expressed an offensive opinion. I will accept any line that you all vote for but my rant to everyone else in the industry...WHERE DO YOU DRAW THAT FUCKING LINE? And where is the line drawn on these type of issues...if a creator has 10 offensive tweets 5 years ago does that preclude them from being published now...or is the line 15 tweets...or 20...or is just 2...or even 1 tweet from last year....where is the proverbial line for any creator? What if we want to publish someone who is Islamic or an anti-abortionist or a socialist or have a certain sexual orientation? Are we precluded from publishing them since they may have a statement or opinion that you do not agree with? Are we now restricted from publishing someone who may be an ultra douche bag? We are an ALL-INCLUSIVE publisher for the very we believe in ALL INCLUSIVITY. Have we gotten to the point where when someone from the certain religion does something bad we blame the whole religion,. When a cop does something bad, we accuse all the cops of being bad. When one person of color commits a crime, we condemn the entire race. When one politician or media member lies we think all the politicians and media members lie. So now that we publish a book that people do not agree with because of the creator of the book (for whatever reason) people are making judgments on our entire publication line? FUCK THEM.





1/10/2019

Print

I will admit that to a certain aspect this was a financial decision for me...I knew that he was a popular online figure I just did not realize he was that polarizing. As everyone knows we are running on fumes. Over the past two years I have had to put close to \$70,000 of my own money to keep Antarctic Press afloat. To make sure bills are paid on time, to keep the lights and phone on...to keep the printers going. I know currently this is not just a financial decision and prior to this shit storm I looked at it as a purely financial decision and I thought we could handle it (using My Hero as a measure). I was extremely happy that My Hero saved our ass these past weeks...his online sales for has been remarkable and a godsend despite the flack we received (which is tame compared to what we have been getting with Richard). What Jawbreaker did on Indigogo did put some dollar signs in my eyes. Could I finally get some sustainability for Antarctic Press without me having to contribute constantly? Could he bring the fans to us as My Hero did? Now again my rant again not to you but to everyone else....I know this is not going to be a purely financial decision but I know that he could help us financially as I know his fans are passionate and supporting. But it bothers the fuck out of me that we are getting these industry professionals and pundits telling us how we should run our business even as an ALL-INCLUSIVE supporter of creator's rights. I will stand by our record of inclusion for any sex, race, religion, social standing and sexual orientation and any other fucking thing you can think of...but in this case that is completely irrelevant now. But how many of these people really support Antarctic Press? Does Rich Johnston only write about Antarctic Press when there is some sort of controversy? Would any of these "industry" supporters really support us if we called for help? If I asked Lea Hernandez to do some art for us or Mark Waid to write us a story to help us out do you think she or he would do it for free? How many of these people on the internet telling us what to do actually bought and Antarctic Press book both fans and retailers...How many copies of the 300 sales on Rochelle or the 600 sales on Adventure Finders did they buy or even worse the 1400 copies of Gold Digger? While Richard may be the most offensive fuck in the whole world he came to us with fans and financial support where no other professional did so. Even though I do not agree with Tim's political opinions when I talked to him all he wanted to do is make sure Antarctic Press was viable and financially supported and he followed up with his fans coming to us and buying his book. And for all the posers who are telling our ALL INCLUSIVE Company what to do and how to do it and never buy an Antarctic Press book...FUCK YOU!

All you do work for AP way beyond the call of duty and I will have your back. Even if we decide to publish his book I will most likely remove any of our names from anywhere in the book. Antarctic Press will still be the publisher and we will not hide that fact but IF we publish the book we can remove our personal association with it...which gets me to not to the credo of the company (Creator rights) or the financial aspect but the moral aspect. Not the moral aspect of agreeing or disagreeing with Richard but now another fucking rant...I do not give a flying fuck if you agree or disagree with Richard. But we now have to make a decision on a book based on GUILT BY ASSOCIATION. It does not matter that we are ALL INCLUSIVE CREATOR'S RIGHTS Company....but now I have to deal with the repercussions of this guilt. Richard made some very offensive inflammatory comments about many people in the industry and now because of that could that come back to harm some of you individually. You would hope any personal attack on someone by Richard would not translate into because we published him we must be like him...but I fucking know life is fucking unfair...GUILT BY ASSOCIATION. People are now taking us to task on Jawbreakers now they may take it out on the innocent people (us) just because of fucking GUILT BY ASSOCIATION. AND THOSE FUCKING PEOPLE DO NOT SEES THE FUCKING DOUBLE STANDARD IRONY of those types of actions. Richard's actions are bullying but the reaction to this is MORE BULLYING by people who are against Richard...fucking double standard irony. If I don't like a person or a product I DON'T FUCKING buy it. If I don't like a politician...I DON'T VOTE FOR THEM. But to give us threats of boycotts etc...just because of our ASSOCIATION with Richard...Christ that is so fucking unfair (and I know life is unfair) but that makes them as bad as Richard's actions and what makes it worse is THEY DON'T SEE IT. It is justified in their minds to "make a point." This does not absolve Richard...I think he is an ass online and I think he knows he is an ass online and I would tell him that and he would agree with me. It's because of that I may lose a friend (close to family) to his fucking action and that ROYALLY PISSES ME OFF.

From: Joey <Mzajza@REDACTED>

To: Joeming Dunn <jdunn@a REDACTED>

**Sent:** Friday, May 11, 2018 2:57 PM

**Subject:** Re: It Appear AP is moving

I'm honestly not sure you understand what you're getting into, I was at the comicbook store and even Bob said so and he said, "if Joe thinks this is gonna blow over, it isn't." I thought about it long and hard, I haven't been able to sleep or work and that's because it boils down to this: I'm not comfortable being associated with this guy, it's not his work, and it's not his beliefs, it's his conduct. And, if it were any of the other guys at AP that conducted themselves similarly I would divest AP of them as well. There are standards of civil and professional conduct I believe in. This guy obviously has issues. I've told Doug to take my name off the books immediately and I'm also worried about how this may affect other AP creators and San Diego and the booth. Please be careful.

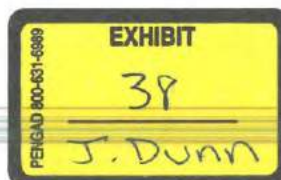
## EXHIBIT 7





Antarctic Press Ultimately, some of our staff and freelancers were uncomfortable sharing a platform with anyone who makes disparaging remarks about anyone in this community. We had to cut ties. We wish Richard all the best.

Like · Reply · 1d





## EXHIBIT 8

**Subject:** Re: Jawbreakers

**From:** Antarctic Press (apcog1@REDACTED)

**To:** jdunn@ REDACTED

**Cc:** briandenham@REDACTED alcperez@REDACTED twilightxmail@REDACTED davidjhutchison@REDACTED

**Date:** Thursday, May 10, 2018 10:02 PM

I still plan to ignore the two initial complaints I've received. I'll give them that response if they write me again. (The second one seemed to come from Richard himself, though.)

Doug

On Thu, May 10, 2018 at 9:48 PM, Joeming Dunn <jdunn@ REDACTED > wrote:

I have decided on radio silence on Jawbreakers...essentially ignore any inquiry or email or discussion with any one...if you get a question, tweet, facebook post or call about it just say...we publish lots of books and I don't have any info on the book at this time if you have any questions about the book the creator told us you can contact him and he will answer your questions...do not engage any interview or request for questions or any inquiry...if they are not satisfied with that answer be apologetic and tell them any questions will be happily answered by the creator of the book since we cannot talk in his place. We cannot divulge his info but he can found on facebook, twitter etc...

Brian if you tweet anything...just be tweet about other books, no mention of Jawbreakers....check out these books coming out in "whenever"...you have been doing a good job on humor and deflection on twitter so keep that up...deflect any response...and be self effacing....if someone ask about Jawbreakers...give the aww shucks sorry I do not know the answer to that question...hey...you should ask the creator.

If someone emails you Doug....you can respond...thanks we appreciate your email...we are aware of your concerns about "whatever"...it may be best to contact the creator about those "statements" so that he can clarify or explain that statement to you since we cannot talk for him. You can reach him via twitter or facebook since we cannot divulge his personal information.



**From:** Brian Denham <briandenham@REDACTED>  
**To:** Joey <Mzajza@REDACTED>  
**Cc:** Antarctic Press <apcog1@REDACTED> ; Joeming Dunn <jdunn@ REDACTED>  
**Sent:** Thursday, May 10, 2018 9:19 PM  
**Subject:** Re: Jawbreakers

I didn't know about that stuff. I looked it up online.

He did call Heather a cum dumpster in a private video for certain elite tier fans of his channel. One of them released the private video to the public. He later publicly apologized.

Richard has called people "pedophiles", or "they look like pedophiles" before. He has said those things about Mark Waid and Dan Slott.

I can't find that line about Mags- the "DC Transgendered writer" being a fucking crazy person... etc.", but it might be in one of his videos.

Him and Mags have apologized to each other, and then they started up again when a comic writer called out Richard for having a dishonorable discharge and Mags supported that creator.

On Thu, May 10, 2018 at 7:49 PM, Joey <Mzajza@REDACTED> wrote:  
Brian, are any of the statements attributed to Richard below true?

On May 10, 2018, at 2:23 PM, Antarctic Press <apcog1@REDACTED> wrote:

Okay, but none of that tells explains what these retailers have against Jawbreaker. However, this email I just received might:

On Thu, May 10, 2018 at 1:19 AM, Meyers Richard <cmxanddiversity@REDACTED> wrote:

Just saw the news that you're publishing Richard C. Meyer's JAWBREAKERS.

Your newest writer has publicly refereed to a female Marvel editor as a "cum dumpster," who sucked her way to the top, called an online reporter a "fucking fag," and suggested writers Brian Bendis, Dan Slott and Mark Waid were pedophiles.

He also referred to a transgendered DC writer as, "...a fucking crazy person, a criminal, who is definitely, definitely going to kill himself and it's just where when and how."

Good to know where your standards lie, guys, and that you don't mind being associated with such a class act, because you're now tied together at the hip.

Hope it's worth it.

Certainly none of that appears flattering, but neither does it prove how much of that it is true or explain why any of it might have happened.

Also, I'm not sure if the fact that it came from a Richard Meyers and is about a Richard Meyers is due to odd coincidence or a name spoof or what.

Doug

On Wed, May 9, 2018 at 9:47 PM, Brian Denham <briandenham@REDACTED> wrote:  
The retailers have a group on Facebook.

Some of the retailers have heard Jawbreaker would be not only a fundraised Indiegogo, but it would be offered in stores.

So this happened...  
<image.png>

Another retailer posted on Twitter yesterday that if he finds out the publisher of Jawbreakers he will have to consider a boycott.



Richard reached out to one of the retailers to inform him of what's going on. He promised to not rat them out. So that retailer informed Richard. Richard posted on Youtube that retailers are colluding with each other to boycott the unannounced publisher. So the retailers have been trying to figure out it's us.

It's all happening earlier today and some of it is going on right now.

On Wed, May 9, 2018 at 9:42 PM, Antarctic Press <apcog1@REDACTED> wrote:  
Well, I guess that's good to know. How did these complaints that led to a boycott even get started? Was it anything of substance, or something blown out of proportion, or nothing at all?

Doug

On Wed, May 9, 2018 at 9:38 PM, Brian Denham <briandenham@REDACTED> wrote:

There will be a lot more. Ignore them.

A few of retailers got together in a secret Facebook group to boycott whatever publisher picked up Jawbreakers.

Richard (Diversity and comics) will announce tonight on Youtube who the publisher will be. Some have speculated it's us. That's why you may have gotten this letter early.

There will be a lot more this week, but they probably don't order from us anyway.

There are a lot more fans supporting us. Don't worry about these retailers. The customers will order from retailers who support them.

These boycott retailers are saying they won't support any of our books if we carry Jawbreakers.

But the fans are hearing this and they will boycott the stores and order it directly from us, or from other retailers who support their choices.

We've already one up by a lot of fans on Twitter. Fans are going to start buying stuff off the site so you may see a small uptick in online sales.

On Wed, May 9, 2018 at 8:18 PM, Antarctic Press <apcog1@REDACTED> wrote:  
Well, this is interesting. Any thoughts on a response?

Doug

----- Forwarded message -----

From: Megan Kilar <REDACTED>

Date: Wed, May 9, 2018 at 8:05 PM

Subject: Jawbreakers

To: apcog1@REDACTED

Based on the harassment online by Diversity and Comics, I have decided to boycott your company if you choose to publish Jawbreakers.

I am responsible for the Diamond order at my retail location and we will no longer be ordering from a company that supports online harassment and threats.

Regards,

Megan M Kilar

## EXHIBIT 9

6:21



## Antarctic Press - Comics Are...

@AntarcticPress



We got a pitch and liked it, and that's the extent of it. The story was hate free. We put it to a vote to publish it on the merit of the comic and that's about it.



The owner, editors, staff, production didn't know who Richard was, or had never heard of diversity and comics.

5/12/18, 9:31 PM



It came down to letting them know the extent of Richard's online presence and some of the staff were not even comfortable with the thought of standing with him at a con.

5/12/18, 9:34 PM



I think it could be summed up with one of our people saying "If I'm running a bar and one of my bartenders calls any customer a name they can just get the fuck out right there."

5/12/18, 9:37 PM



Start a message



## EXHIBIT 10



1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF TEXAS  
3                   AUSTIN DIVISION

3       RICHARD MEYER,  
4           Plaintiff,

\*

\*

5       VS.

\*

CIVIL ACTION NO.  
1:18-CV-00800-LY

6       MARK WAID,  
7           Defendant.

\*

(Jury Demanded)

8  
9                   VIDEOTAPED ORAL DEPOSITION

10                   OF

11                   BEN DUNN

12                   MARCH 6, 2019

13  
14  
15                   VIDEOTAPED ORAL DEPOSITION of BEN DUNN,  
16       produced as a witness on behalf of Plaintiff and duly  
17       sworn, was taken in the above-styled and numbered cause  
18       on March 6, 2019, between the hours of 9:58 a.m. and  
19       11:02 a.m. before Shan Morris Blanchard, Certified  
20       Shorthand Reporter in and for the State of Texas,  
21       reported by computerized stenotype machine at the  
22       offices of Langley & Banack, Inc., 745 E. Mulberry,  
23       Suite 700, San Antonio, Texas 78212 pursuant to Federal  
24       Rules and the provisions stated on the record or  
25       attached hereto.

## 1 A P P E A R A N C E S

2

3 FOR THE PLAINTIFF:

4 Mr. Daniel H. Byrne  
5 Fritz, Byrne, Head & Gilstrap, PLLC  
6 221 W. 6th Street, Suite 960  
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17 Fax: 512-334-4492  
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19 FOR THE WITNESS:

20 Mr. Otto S. Good  
21 Langley & Banack, Inc.  
22 745 E. Mulberry, Suite 900  
23 San Antonio, Texas 78212  
24 Telephone: 210-736-6600  
25 Fax: 210-735-6889  
Email: ogood@langleybanack.com

WITNESS:

Ben Dunn

CERTIFIED SHORTHAND REPORTER:

Shan Morris Blanchard

VIDEOGRAPHER:

Lawrence Delgado

24

25

1 (The reading of introductions into the  
2 record according to Rule 30(b)(5)(A) was waived by all  
3 parties present.)

4 THE VIDEOGRAPHER: And we're on the  
5 record on March the 6th, 2019, at 9:58 a.m.

6 BEN DUNN, the witness, being duly cautioned  
7 and sworn to tell the truth, the whole truth and  
8 nothing but the truth, testified as follows:

9 (Time: 9:58 a.m.)

10 EXAMINATION

11 BY MR. BYRNE:

12 Q. Would you state your name for the record,  
13 please?

14 A. Ben Dunn.

15 MR. PIERCE: Dan, do you want to cover  
16 the preliminary things we talked about?

17 MR. BYRNE: Sure. Go ahead.

18 MR. PIERCE: Plaintiff's counsel and  
19 defendant's counsel have agreed that objection to form  
20 will be sufficient to preserve objections relating to  
21 form-related objections and that the parties will --  
22 will have any -- will have a running objection to  
23 questions that go beyond the Court's order regarding  
24 jurisdictional discovery.

25 MR. BYRNE: And scope just generally,

1 Q. Okay.

2 A. I know he's a colorist for Marvel. He does a  
3 lot of Star Wars stuff.

4 Q. Okay. You know you're giving testimony in a  
5 lawsuit that's pending between Richard Meyer and Mark  
6 Waid?

7 A. Oh, yes, I'm quite aware.

8 Q. Okay. Have you ever met Mark Waid?

9 A. I have seen him. I have never met him.

10 Q. And where have you seen him?

11 A. I've seen him at various comic book  
12 conventions, but I do not know him personally.

13 Q. Okay. Were any -- do you remember seeing him  
14 at any conventions located in the state of Texas?

15 A. Oh, gosh, perhaps. Maybe back in the old days.  
16 I mean, truth be told, I was not a big follower of his  
17 work, so I didn't really pay much attention.

18 Q. Okay. We -- we're going to be talking in a  
19 minute about some events that took place in May of  
20 2018.

21 A. Yes, sir.

22 Q. Did you happen to attend the convention that  
23 took place in Houston toward the end of May 2018?

24 A. No, I was not at -- at that convention.

25 Q. Okay. To your knowledge, have you ever spoken



1 Mr. Waid, but as I understand it, you don't know one  
2 way or another whether Mr. Waid called or whether your  
3 brother, Joe, called Mr. Waid; is that correct?

4 A. No, I knew because he told me, "This is Mark  
5 Waid. I got to take this," and then he left the room.

6 Q. And so your recollection is that Mr. Waid was  
7 calling your brother?

8 A. That is correct.

9 Q. But I -- I take it, you would defer to your  
10 brother's recollection on that since he was on the  
11 call?

12 A. That is correct.

13 Q. And you did not, it sounds like, talk to your  
14 brother about the substance of the call with Mr. Waid;  
15 correct?

16 A. That's correct, yes.

17 Q. And you did not talk with your brother about  
18 what impact, if any, that call had on your brother's  
19 decision-making regarding Jawbreakers; correct?

20 A. Well, the decision that he made not to do the  
21 book was obviously influenced somewhat by the call  
22 afterwards, because we would have continued with our  
23 plans to publish the book. So it was surprising for me  
24 to hear that he going to cancel it. So I didn't pursue  
25 it because I know my brother well enough that I didn't

1 want to further distress him, you know.

2 Q. And -- but that -- that's not based on anything  
3 that Joe said to you; correct?

4 A. That's correct.

5 Q. This -- this is your -- your speculation as to  
6 what occurred; correct?

7 A. That's correct, yes.

8 Q. Do you know if there was an actual contract  
9 between Antarctic Press and Mr. Meyer regarding the  
10 publication of Jawbreakers?

11 A. I'm not aware of any contract -- or I did not  
12 see one nor was one presented to me.

13 Q. Is it your understanding that there was not an  
14 actual contract?

15 A. Oh, there was a contract because my brother  
16 would not have announced anything without some sort of  
17 prior agreement.

18 Q. Do you know the terms of that agreement?

19 A. I do not know the terms of the agreement.

20 Q. Do you know the extent to which Antarctic Press  
21 had the right to decide not to move forward with  
22 publication?

23 A. I didn't -- was not privy to that information.

24 (Deposition Exhibit 10 marked.)

25 MR. PIERCE: I'm going to mark this a

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF TEXAS  
3                   AUSTIN DIVISION

3       RICHARD MEYER,  
4           Plaintiff,

\*

\*

5       VS.

\*

CIVIL ACTION NO.  
1:18-CV-00800-LY

6       MARK WAID,  
7           Defendant.

\*

\*   (Jury Demanded)

8                   REPORTER'S CERTIFICATE  
9                   VIDEOTAPED ORAL DEPOSITION

10                   OF

11                   BEN DUNN

12                   MARCH 6, 2019

13  
14                   I, Shan Morris Blanchard, Certified  
15       Shorthand Reporter in and for the State of Texas,  
16       hereby certify to the following:

17           That the witness, BEN DUNN, was duly sworn by the  
18       officer and that the transcript of the oral deposition  
19       is a true record of the testimony given by the witness;

20           I further certify that pursuant to FRCP Rule (f)(1)  
21       that the signature of the deponent;

22           \_\_\_\_\_ was requested by the deponent or a party  
23       before the completion of the deposition and instruction  
24       given that it be returned within 30 days from the  
25       receipt of the transcript. If returned, the attached

1 Changes and Signature Page contains any changes and the  
2 reasons therefor;

3          X   was not requested by the deponent or a party  
4        before the completion of the deposition.

5 I further certify that I am neither attorney or  
6 counsel for, nor related to or employed by any of the  
7 parties to the action in which this deposition is  
8 taken.

9           Further, I am not a relative or employee of any  
10 attorney or party of record in this cause, nor do I  
11 have a financial interest in the action.

12 Subscribed and sworn to on this the 20th of  
13 March, 2019. *Si* *00*

Shan Blanchard

Shan Morris Blanchard, CSR  
Texas CSR #3863  
Expiration Date: 10/31/21  
Leixtas - Firm Registration No. 539  
100 N.E. Loop 410, Suite 955  
San Antonio, Texas 78216  
(210) 481-7575



## EXHIBIT 11

1

UNITED STATES DISTRICT COURT

2

FOR THE WESTERN DIVISION OF TEXAS

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AUSTIN DIVISION

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5

RICHARD MEYER,

)

6

Plaintiff,

)

Case No. 1:18-CV-00800-LY

7

v.

)

8

MARK WAID,

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Defendant.

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VIDEOTAPED DEPOSITION of MARK WAID taken

14

on behalf of the Plaintiff at 10250

15

Constellation Boulevard, 19th Floor, Los

16

Angeles, California, on Tuesday, February 26,

17

2019 at 1:26 p.m. before Vivian C. Lane,

18

Certified Shorthand Reporter No. 11339.

19

20

21

22

23

24

25

1 APPEARANCES:

2  
3 For Plaintiff:

4 FRITZ, BYRNE, HEAD & GILSTRAP, PLLC  
5 By: DANIEL H. BYRNE, ESQ.  
6 221 West Sixth Street  
7 Suite 960  
8 Austin, Texas 78701  
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11 For Defendant:

12 REEVES & BRIGHTWELL  
13 By: RYAN M. PIERCE, ESQ.  
14 221 West Sixth Street  
15 Suite 1000  
16 Austin, Texas 78701-3410  
17 (512) 334-4503  
18 rpierce@reevesbrightwell.com

19 -and-

20 LAW OFFICES OF MARK S. ZAID, P.C.  
21 By: MARK S. ZAID, ESQ.  
22 1250 Connecticut Avenue Northwest  
23 Suite 200  
24 Washington, D.C. 20036  
25 (202) 454-2809  
mark@markzaid.com

Also Present:

John Hank, Videographer  
Richard Meyer

1 THE VIDEOGRAPHER: Would the court reporter please  
2 swear in the witness.

3

4 (The oath was administered to the  
5 deponent, MARK WAID, as follows:)

6

7 THE REPORTER: Will you raise your right hand,  
8 please.

9 Do you solemnly state under penalty of perjury  
10 that the testimony you give in this deposition shall be  
11 the truth, the whole truth, and nothing but the truth?

12 THE WITNESS: I do.

13 MR. BYRNE: And let the record also reflect that  
14 Richard Meyer, one of the parties is -- is also present.

15

16 EXAMINATION

17 BY MR. BYRNE:

18 Q Would you state your name for the record,  
19 please.

01:27 20 A Sure. William Mark Waid.

21 Q And Mr. Waid, have you ever been deposed  
22 before?

23 A Yes. I was an expert witness once.

24 Q Okay. Any other times?

01:27 25 A No.

03:27 1 BY MR. PIERCE:

2 Q Mr. Waid, earlier you indicated that there was

3 a point of correction that you wanted to make.

4 Do you recall that?

03:27 5 A I do.

6 Q What -- what was that?

7 MR. BYRNE: Objection. Form.

8 BY MR. PIERCE:

9 Q What -- what was the point of clarification

03:27 10 that you wanted to provide?

11 A The point of clarification was when I spoke

12 about learning when Antarctic Press was in Texas, I may

13 have misspoken and said I learned that Mr. Meyer was in

14 Texas at that time, and that's inaccurate. What I

03:27 15 learned -- when I learned that, it was around the time

16 the lawsuit was filed.

17 MR. PIERCE: No further questions.

18 MR. BYRNE: Okay. I guess we're done.

19 THE VIDEOGRAPHER: We're off the record on

03:28 20 February 26th, 2019 at 3:28 p.m., and this is the end of

21 the video-recorded deposition of Mark Waid.

22 (A discussion was held off the record.)

23 THE REPORTER: Do you want the transcript prepared?

24 MR. BYRNE: Yes, I do.

03:28 25 THE REPORTER: Thank you.

## DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA     )  
   ) ss.  
 COUNTY OF LOS ANGELES )

I, Vivian C. Lane, hereby certify:

I am a duly qualified Certified Shorthand  
 Reporter in the State of California, holder of  
 Certificate Number CSR 11339 issued by the Court  
 Reporters Board of California and which is in full force  
 and effect. (Fed. R. Civ. P. 28(a)).

I am authorized to administer oaths or  
 affirmations pursuant to California Code of Civil  
 Procedure, Section 2093(b) and prior to being examined,  
 the witness was first duly sworn by me. (Fed. R. Civ.  
 P. 28(a), 30(f)(1)).

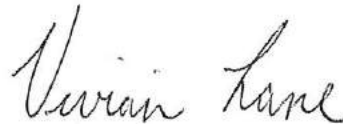
I am not a relative or employee or attorney or  
 counsel of any of the parties, nor am I a relative or  
 employee of such attorney or counsel, nor am I  
 financially interested in this action. (Fed. R. Civ. P.  
 28).

I am the deposition officer that  
 stenographically recorded the testimony in the foregoing  
 deposition and the foregoing transcript is a true record  
 / / /

1 of the testimony given by the witness. (Fed. R. Civ. P.  
2 30(f)(1)).

3 Before completion of the deposition, review of  
4 the transcript [XX] was [ ] was not requested. If  
5 requested, any changes made by the deponent (and  
6 provided to the reporter) during the period allowed, are  
7 appended hereto. (Fed. R. Civ. P. 30(e)).

8 Dated:  
9  
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16 Lexitas Legal Firm Registration No. 17  
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